IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23961 of 2005

Between:

1. Sri Sankara Vidyalayam Veda Smartha Gurukul,

represented by its Jt.Secretary Sri U.Raghu Ramaiah,
Bapatla, Guntur District.
2.C.S.R.Anjaneyulu, s/o late Sri Venkatakrishnaiah,
r/o 15-26-66(2), Old Town, Repalle, Guntur District.

..... PETITIONERS

AND

1. The District Collector, Guntur, Guntur District.
2. The Mandal Revenue Officer, Repalle Mandal, Repalle,

Guntur District.

.....RESPONDENTS

The Court made the following:

ORDER:

Questioning the action of the respondents in issuing the proceedings Rc.No.395/2004-A, dated 17.08.2004 to acquire the land of the petitioners admeasuring Ac.5.16 cents in Survey No.104/7 of Repalle village and Mandal, Guntur District for the purpose of construction of the houses to the landless poor persons belonging to Muslim community, the present writ petition has

been filed.

The case of the petitioner is that 1st petitioner is a Vedic School registered under the provisions of the A.P. Societies Registration Act. The main object of the first petitioner is to provide free Vedic education including free boarding and lodging for the students. Shree Pushpagiri Swamiji endowed the land in an extent of Ac.5.16 cents in Survey No.104/7 of Repalle village and Mandal, Guntur District and the 2nd petitioner is the cultivating tenant of the said land, and his father taken the said land on lease from the 1st petitioner. While so, the Mandal Revenue Officer, Repalle Mandal, Guntur District issued the impugned proceedings in Rc.No.395/2004-4, dated 17.08.2004 calling upon the 1st petitioner, who is the owner of the land in question, to give consent for the purpose of acquiring the said land for the purpose of constructing houses to the landless poor persons belonging to muslim community. Immediately, the 1st petitioner approached the 2nd respondent and submitted its unwillingness. Thereafter, in the month of February, 2005 some people claiming to be the landless poor belonging to muslim community made a desperate attempt with the connivance of the 2nd respondent to encroach the land in question. Hence, the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Assignment.

The learned Government Pleader for Assignment appearing on behalf of the respondents submits that the respondents have given up their idea of constructing houses to the landless poor persons belonging to muslim community.

In view of the above submission made by the learned Government Pleader for Assignment, I am of the considered opinion that the respondents cannot take any action to acquire the land in question for the purpose of constructing houses to the landless poor persons belonging to muslim community, which is

sought to be made in the impugned notice.

Therefore, without expressing any opinion on the merits of the case, I deem it appropriate to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the land in question, without following due process of law.

With the above observation, the writ petition is disposed of. No costs.

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(V. ESWARAIAH, J)

Date: 14.11.2005

Ksn